



CABINET - 8 SEPTEMBER 2026

LOCAL GOVERNMENT REORGANISATION – PROPOSED PRE-ACTION PROTOCOL LETTER

SUPPLEMENTARY REPORT OF THE CHIEF EXECUTIVE, THE DIRECTOR OF CORPORATE RESOURCES AND THE CHIEF LEGAL OFFICER AND MONITORING OFFICER

PART A

Purpose of the Report

1. This supplementary report updates the Cabinet on the matters referred to in the report already circulated and invites the Cabinet to consider whether the Council should send a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review (JR) in relation to the Government's decision on local government reorganisation in Leicester, Leicestershire and Rutland.

Recommendations

2. The Cabinet is recommended to:
 - (a) Note the resolution of the County Council at its meeting on 6 August 2026;
 - (b) Note that legal advice has been obtained and considered concerning the Government's decision-making process;
 - (c) Agree that the County Council should send a letter to the Secretary of State under the Pre-Action Protocol for Judicial Review (JR), seeking further information and clarification about the reasoning, evidence and process underlying the Government's decision;
 - (d) Authorise the Chief Legal Officer and Monitoring Officer, following consultation with the Leader of the Council and the Chief Executive, to finalise and send the pre-action protocol letter on behalf of the County Council having regard to the legal advice received;
 - (e) Agree that the Secretary of State's response, any information provided and further written advice from Counsel should be reported to the Cabinet before any decision is taken on whether JR proceedings should be commenced.

(KEY DECISION)

Reasons for Recommendation

3. At its meeting on 6 August 2026, the County Council expressed serious concern about the Government's decision and agreed that legal advice should be sought on the lawfulness and robustness of the Government's decision-making process. It resolved that, subject to that advice, the Council should consider what further steps, including any available legal remedies, might be appropriate if reasonable grounds were identified.
4. A pre-action protocol letter would provide a formal opportunity for the Council to set out its concerns and seek proportionate information and clarification about the reasoning, evidence and process underlying the Government's decision.
5. The letter would give the Government an opportunity to respond before the Council considers whether any further action is appropriate. Sending the letter would not commence JR proceedings or commit the Council to bringing a claim.
6. The proposed decision is confined to the preparation and sending of the pre-action protocol letter. It would not authorise the commencement of JR proceedings.

Timetable for Decision (including Scrutiny)

7. JR proceedings must be commenced promptly and within the applicable legal time limit. The pre-action protocol process does not suspend or extend that period.

Policy Framework and Previous Decisions

8. The relevant previous decisions are set out in the report already circulated. In particular, at its meeting on 6 August 2026 the County Council resolved that legal advice should be sought on the lawfulness and robustness of the Government's decision-making process and, subject to that advice, that consideration should be given to what further steps, including any available legal remedies, might be appropriate if reasonable grounds were identified.

Resources Implications

9. There will be resource implications arising from the preparation and sending of the pre-action protocol letter and consideration of the Secretary of State's response. The associated costs will be met from existing resources and managed in accordance with the Council's existing financial and decision-making arrangements.

Legal Implications

10. The Council has obtained confidential and legally privileged advice concerning the Government's decision-making process and the proposed pre-action

protocol letter. The content of that advice is not set out in this public report in order to preserve legal professional privilege.

11. The Pre-Action Protocol for JR provides a process by which a prospective claimant may identify the issues in dispute, seek necessary information and clarification, and give the proposed defendant an opportunity to respond before proceedings are commenced.
12. Sending a pre-action protocol letter would not commence JR proceedings and would not create a presumption that proceedings would follow. Any decision to issue proceedings would be a separate decision taken after consideration of the Secretary of State's response, further information and up-to-date legal advice.
13. The recommendations in this report relate only to the preparation and sending of the pre-action protocol letter. They do not seek or confer authority to commence JR proceedings.

Circulation under the Local Issues Alert Procedure

14. This report will be circulated to all members of the Council.

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PART B

Background

15. On 16 July 2026, the Secretary of State announced the Government's decision to proceed with the two-unitary proposal submitted by Leicester City Council, subject to the modifications identified in the decision.
16. At its meeting on 21 July 2026, the Cabinet noted the Secretary of State's decision and agreed that the County Council should continue to engage in transitional and implementation arrangements while protecting the interests of residents, service users, staff and council taxpayers.
17. At its extraordinary meeting on 6 August 2026, the County Council:
 - (a) expressed serious concern about the Government's decision;
 - (b) stated that the Government's decision-making process should be transparent, evidence-based and capable of withstanding public scrutiny;
 - (c) noted that legal advice was being sought on the lawfulness and robustness of the decision-making process; and
 - (d) resolved that, subject to that advice, the Council should consider what further steps, including any available legal remedies, might be appropriate if reasonable grounds were identified.

Proposed Pre-Action Protocol Letter

18. Legal advice has now been obtained and considered. That advice is confidential and legally privileged, and its content is not reproduced or summarised in this public report.
19. Having regard to the County Council's resolution, the Cabinet is invited to consider whether the Council should send a letter to the Secretary of State under the Pre-Action Protocol for JR.
20. The proposed letter would identify the Council's concerns and seek further information and clarification about matters including:
 - (a) the reasoning and evidence underlying the Government's decision;
 - (b) how the competing Local Government Reorganisation (LGR) proposals were assessed;
 - (c) how consultation responses and representations were taken into account; and
 - (d) how the particular boundary changes selected by the Secretary of State were determined.
21. The requests included in the letter would be confined to matters considered appropriate for inclusion and would seek relevant information and explanation before the Council considers whether any further action is appropriate. The letter would give the Secretary of State an opportunity to provide further explanation and relevant information before the Council considers whether any further action is appropriate.

22. The purpose of the proposed letter is not to commence proceedings or to commit the Council to a legal challenge. The Government's response, any information provided and further legal advice would need to be considered before a separate decision was taken on whether any further legal action should be pursued.
23. The decision sought from the Cabinet is therefore limited to the preparation and sending of the pre-action protocol letter. It does not extend to the commencement of JR proceedings.

Continuing LGR Responsibilities

24. The sending of a pre-action protocol letter would not suspend or delay the Government's decision or the ongoing LGR process.
25. Council officers will continue to discharge the Council's statutory responsibilities and work constructively with the Government and local partners on necessary transitional and implementation arrangements.
26. This work will continue to focus on protecting residents and service users, supporting staff, maintaining the continuity of essential services and safeguarding the Council's interests.

Equality Implications

27. The wider equality implications of LGR will continue to be considered as part of the Council's strategic approach to equality impact assessment throughout the LGR programme.

Human Rights Implications

28. There are no human rights implications arising from this report.

Background Papers

Report to the Cabinet on 21 July 2026 and minutes of the meeting -
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=135&MId=8309>

Report to the County Council on 6 August 2026 and minutes of that meeting -
<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=134&MId=8684>

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